

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RUSSELL TINSLEY	:	CIVIL ACTION
AND ON BEHALF OF SIMILAR	:	
INMATES SITUATION	:	
	:	
v.	:	
	:	
WILLIAM J. MAZZOLA, <u>et al.</u>	:	NO. 11-6408

M E M O R A N D U M

O'NEILL, J.

NOVEMBER 10, 2011

Plaintiff, an inmate, is seeking to bring a civil action without prepayment of fees. Pursuant to 28 U.S.C. § 1915(g), a prisoner who on three or more prior occasions while incarcerated has filed an action in a federal court that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted, must be denied in forma pauperis status unless he was in imminent danger of serious physical injury at the time that the complaint was filed. Abdul-Akbar v. McKelvie, 239 F.3d 307 (3d Cir.), cert. denied, 533 U.S. 953 (2001).

There are no allegations in plaintiff's complaint that would suggest that he was in imminent danger of serious physical injury at the time that this action was filed. Furthermore, prior to the filing of the instant case, plaintiff filed three actions, which were dismissed as frivolous or for failure to state a claim upon which relief may be granted.<sup>1</sup>

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1. In the United States Court of Appeals for the Third Circuit, Civil No. 07-3060 was dismissed for lack of jurisdiction and pursuant to 28 U.S.C. 1915(e)(2)(B) in the United States District Court for the Eastern District of Pennsylvania, Civil  
(continued...)

Accordingly, plaintiff's motion to proceed in forma pauperis will be denied.

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1. (...continued)

Action No. 06-4860 was dismissed pursuant to 28 U.S.C. § 1915(e)(2), and in the United States District Court for the Eastern District of California, Civil Action No. 92-1160 was dismissed for failure to state a claim upon which relief can be granted.